

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

RECEIVED

MAR 22 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Section 73.202)
 of the Commission's Rules)
 Table of Allotments)
 For FM Broadcast Stations)
 (Ardmore, OK & Tecumseh, OK))

99-253

RM No. 9828

MM Docket No. _____

To: Chief, Allocations Branch

PETITION TO DENY
PETITION FOR RULE MAKING OF
NORTH TEXAS RADIO GROUP, INC.

Journal Broadcast Corporation, the licensee of KVOO(FM), Tulsa, Oklahoma, by its attorneys, hereby respectfully petitions the Commission to deny the above-captioned petition for rule making (the "Rule Making Petition"), which requests, among other items, that the Commission substitute Channel 253A for Channel 263C3 at Ardmore, Oklahoma, modify the license for Station KACO(FM), and reallocate Channel 253A to Tecumseh, Oklahoma, at coordinates 35-13-10 & 96-50-06 (the "Oklahoma Channel Change"). 1/

1/ Journal believes that this petition to deny is timely filed. Under the Commission's Rules, a petition to deny a rule making petition generally may be filed within 30 days of the public notice of that rule making petition. The public notice with regard to the Rule Making Petition was issued on February 23, 2000. Accordingly, petitions to deny should be due by March 24, 2000. That said, Journal notes that the public notice for the Rule Making Petition included a suggestion that petitions to deny should be filed within 15 days, as this proposal was being deemed a counterproposal to Docket No. 99-333. Because Docket No. 99-333 appears to be the Sprint-MCI Worldcom merger proceeding, it would appear that this additional time limitation was a misprint, and the Commission did not intend to restrict responses to the legality of the Rule Making Petition to a mere 15 days. To the

No. of Copies rec'd 04
 List ABCDE

Journal must protest the Rule Making Petition because it violates the Commission's Rules and threatens to result in disruptive interference. Specifically, the Oklahoma Channel Change violates Section 73.207 of the Commission's Rules, which sets forth the minimum distances that must exist between FM broadcast stations. Under this section, a Class A FM station must be separated from a co-channel Class C station by at least 226 kilometers, lest the operations of the stations create harmful and inefficient interference and endanger the integrity of the FM spectrum.

Under Section 73.207, the allotment of Channel 253A to Tecumseh, Oklahoma, would be short-spaced to KVOO(FM), Channel 253C, Tulsa, Oklahoma, by 99 kilometers. Even if North Texas Radio thought that the Oklahoma Channel Change qualifies under Section 73.215 of the Commission's Rules, the proposed change would still be short spaced by 76 kilometers to KVOO(FM), Tulsa, Oklahoma.

extent that the Commission intends strictly to enforce a 15-day time limit, however, Journal respectfully requests that the Commission take notice of the contents of this petition to deny as an informal objection to the Oklahoma Channel Change proposal.

Because the proposed Oklahoma Channel Change will violate the Commission's Rules, and will risk the creation of extensive interference, the Commission should deny the Rule Making Petition without further expenditure of the Commission's resources.

Respectfully submitted,

**JOURNAL BROADCAST
CORPORATION**

By: 
F. William LeBeau

HOGAN & HARTSON L.L.P.
555 13th Street, N.W.
Washington, DC 20004
(202) 637-5600
Its Attorneys

March 22, 2000

CERTIFICATE OF SERVICE

I, F. William LeBeau, hereby certify that the foregoing Petition to
Deny was sent on March 22, 2000, first class mail, to:

Robert Lewis Thompson, Counsel
Taylor Thiemann & Aitken, L.C.
908 King Street
Suite 300
Alexandria, VA 22314.



F. William LeBeau

March 22, 2000